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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,785	01/10/2006	Andrea Seger	SEGE3004/FJD	5731
7590 01/22/2010				
Bacon & Thomas 4th Floor 625 Slaters Lane Alexandria, VA 22314-1176			EXAMINER SONG, DAHIO D	
			ART UNIT 2175	PAPER NUMBER
			MAIL DATE 01/22/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/523,785

Applicant(s)

SEGER ET AL.

Examiner

DAEHO D. SONG

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10, 12 and 14-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10, 12 and 14-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Applicant's Response

In Applicant's Response to RCE dated 11/02/2009, Applicant amended Claims 10, canceled Claim 13, and argued against all rejections previously set forth in the Office Action dated 07/31/2009.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 10 is rejected because it recites "two components", and it is unclear what those two components are and/or which two components refer to.
Appropriate correction is required.
- Claim 10 also rejected because it recites "additional coded information", and it is vague and indefinite what those additional coded information are.
Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 10, 12 and 14-18 are rejected under 35 U.S.C. 102(e) as being **clearly** anticipated by Forney et al. (hereinafter Forney): U.S. Patent Application Pub. No. 2002/0101431.

Forney **explicitly** teaches:

Claim 10. A method for operating a field device of automation technology by means of a graphical user interface (GUI) and a device description file for the field device, comprising the step of:

connecting the field device to a control system by way of a data bus ([0006]: connecting the field device to a process control system having data communication capabilities, such as transferring data using data bus);

writing a data component of the device description in the form of an XML file containing parameter names, event-and-alarm texts and additional coded information ([0023]-[0026] [0028]-[0031] [0043]-[0046] [0059]: writing an XML description for data elements including parameter names, such as Tag name, event-and-alarm texts, such as animation behavior based on tag alarms, and other coded data by means of calling AddItem method on the runtime database interface associated with data binding XML table);

writing a presentation component of the device description in the form of an XSL file ([0024]-[0028] [0045]-[0046] [0075]-[0084]: writing an XSL description for graphic display objects of the device, such as GUI);

loading the two components together dynamically at run time by means of an appropriate browser (fig. 6; [0023]-[0032] [0045]-[0046] [0067]-[0074]: loading XML and XSL descriptions together dynamically executing a real-time graphics animation of a process control system via a user's browser connected to a web server); *and*

dynamically producing an HTML page, which represents a graphical user interface for the field device, from the XML file and XSL file, wherein: the HTML page displayed by the browser is dynamically changed in accordance with a change in the XML file or the XSL file, so that the graphical user interface is matched to the field device ([0029]-[0031]: dynamically producing a HTML page of the client/field device and updating its data by means of receiving a stream of real-time update information from the portal server by means of a data exchange component of the browser client).

Claim 12. The method as claimed in claim 10, wherein: the run time environment is a Microsoft platform ([0008]: running on the Microsoft Operating System).

Claim 14. The method as claimed in claim 10, wherein: the presentation component contains information for visualizing and explaining the process component of concern ([0031][0067]: displaying data component of visualizing the graphical process diagram of the field device supporting real-time animation of manufacturing process control view).

Claim 15. The method as claimed in claim 10, further comprising the step of: providing dynamic, relevant links on the GUI for invoking an online/offline help ([0009]: providing dynamic relevant links for help through a search engine of portal service).

Claim 16. The method as claimed in claim 10, wherein: the operation includes start-up, maintenance, simulation, data protection, problem removal and device documentation ([0008][0038]: the Windows Operating System includes start-up, maintenance, simulation, back-up/data protection, problem resolution and documentation).

Claim 17. The method as claimed in claim 10, further comprising the step of: using the Internet Explorer of Microsoft® as the browser ([0008][0038]: using a commercial web browser, such as the Internet Explorer).

Claim 18. The method as claimed in claim 10, further comprising using the Netscape Navigator of Netscape as the browser ([0008][0038]: using a commercial web browser, such as the Netscape Navigator).

Response to Arguments

3. Applicant's arguments against the rejections based on 35 U.S.C. § 102 with respect to Claims 10, 12 and 14-18 have been considered, but they are not persuasive.

Applicant argues that Forney fails to disclose writing XML and XSL descriptions. The examiner disagrees.

Forney clearly discloses that a method for industrial process control technology controlled via programmed process controller, which execute control programs, is carried out using XML and XSL programming languages defining an animated graphical display. These XML and XSL are used to describe data transmitted from a portal server to a client browser over the internet with respect to **how the update information should be displayed dynamically in real-time** by the client browser by means of the data exchange component of the browser (see [0023][0024][0028]).

More specifically, process graphics are created having real-time data sources and information connecting the real-time data to an animation behavior of the graphics,

converting the graphical images to an XML format and publishes them to the portal server coupled to a process control system. The client-browser receives real-time process data relayed from the plant floor system by the portal server and **applies the data to the XML and XSL graphical display object definitions** to render animated graphics that reflects the updated information of the process control system (see [0025]).

Furthermore, graphical images can be changed through **addition and/or modification of XML/XSL descriptions** (see [0026]).

Conclusion

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAEHO D. SONG whose telephone number is (571)272-7524. The examiner can normally be reached on Mon-Fri 7:30-5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on 5712724088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daeho D Song/

Examiner, Art Unit 2175

/William L. Bashore/
Supervisory Patent Examiner, Art Unit 2175